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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,203	10/13/2005	Masahiro Yamauchi	1254-0295PUS1	1272
2292 7590 01/08/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER TRINH, TAN H	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 01/08/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Office Action Summary**

Application No.

10/553,203

Applicant(s)

YAMAUCHI, MASAHIRO

Examiner

TAN TRINH

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 3, 11 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 10-13-2005, the information disclosure statement has been considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, 6-10, 13, 15-16, 18, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelton (U.S. Pub. No. 2003/0231655).

Regarding claims 1 and 10, Kelton teaches a radio video transmission system which transmits video data from a transmitter to a receiver by radio (see fig. 1-3, page 1, sections [0005-0006]), the system being characterized by comprising: detecting means for detecting interruption of communication of data periodically transmitted by the receiver (see page 1, sections [0008-0009 and page 5, section [0049]). In this case, when the error rate increase periodically and the detection of the transmission is interrupted and quality is compromised by the receiver and send the (feedback) to transmitter , that is detecting interruption of communication of data periodically transmitted detection transmitted by the receiver. And

channel switching means for switching a channel through which video data is transmitted to the receiver, in response to the detection, by the detecting means, of the interruption of the communication (see page 5, sections [0047-0052]). In this case, the transmitter is switching data rate and transport channel in response to receiver base on the feedback on the quality of data and channel characteristics from the receiver.

Regarding claim 2, Kelton teaches the data periodically transmitted by the receiver is transmitted data comprising a status of reception by the receiver of the video data transmitted by the transmitter, the transmitted data being periodically transmitted from the receiver to the transmitter by reception status transmitting means (see fig. 1-3, page 1, sections [0008-0009 and page 4-5, sections [0034, and 0042-0045], page 5, section [0049]). In this case, when the error rate increase periodically and the detection of the transmission is interrupted and quality is compromised by the receiver and send the (feedback) a status of reception base on the signal to noise ratio and data rate adjustment to transmitter, that is detecting interruption of communication of data periodically transmitted detection transmitted by the receiver.

Regarding claims 4 and 6, Kelton teaches a radio video transmission system which transmits video data from a transmitter to a receiver by radio (see fig. 1-3, page 1, sections [0005-0006]), the system being characterized by comprising: reception status analyzing means for analyzing a status of reception by the receiver, of video data transmitted by the transmitter (see fig. 1-3, page 1, sections [0008-0009 and page 4-5, sections [0034, and 0042-0045], page 5, section [0049]). In this case, when the error rate increase periodically and the detection of the

transmission is interrupted and quality is compromised reception status analyzing by the receiver and send the (feedback) a status of reception base on the signal to noise ratio and data rate adjustment to transmitter, the detecting interruption of communication of data periodically is transmitted from transmitter and detected by the receiver. And transmitter transmission rate switching instructing means for transmitting to the transmitter (see page 1, sections [0008-0009 and page 5, section [0049]). In this case, when the error rate increase periodically and the detection of the transmission is interrupted and quality is compromised by the receiver and send the (feedback) to transmitter, that is detecting interruption of communication of data periodically transmitted detection transmitted by the receiver. An instruction on a change in a rate at which is the transmitter transmits video data, according to results of the analysis by the reception status analyzing means (see page 5, sections [0047-0052]). In this case, the transmitter is switching data rate and transport channel in response to receiver base on the feedback on the quality of data and channel characteristics instruction from the receiver.

Regarding claims 7-8, 13 and 15, Kelton teaches the results of the analysis by the reception status analyzing means is an error rate or a change rate of the error rate measured during a fixed period (see page 3, sections [0030]). In this case, the error rate or a change rate is measured in the fixed period when the data rate is varied from 6 Mbps to 54 Mbps at a fixed time period.

Regarding claims 9, 16 and 18-20, Kelton teaches characterized in that at least one of the receiver and transmitter is a communication apparatus connected to AV equipment by inter-

equipment communication (see fig. 1 and 2, the VCR or DVD is AV equipment, page 2, section [0023]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 12, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelton (U.S. Pub. No. 2003/0231655) in view of Bourne (U.S. Pub. No. 2004/0218672).

Regarding claim 5, Kelton teaches a radio video transmission system which transmits video data from a transmitter to a receiver by radio (see fig. 1-3, page 1, sections [0005-0006]), And instruction on a change in a rate at which is the transmitter transmits video data, according to results of the analysis by the reception status analyzing means (see page 5, sections [0047-0052]). In this case, the transmitter is switching data rate and transport channel in response to receiver base on the feedback on the quality of data and channel characteristics instruction from the receiver. But Kelton does not mention the video data transmitted by the transmitter is video data compressed.

However, Bourne the video data transmitted by the transmitter is video data compressed (see fig. fig. 6, the encoder has been instructed to send on step 620, and page 3, sections [0042-

0043], and page 7, sections [0103-0105 and 0107-0112]). In this case, the transmitter is video data compressed, since the receiver is receiving a compressed and encoded video data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Kelton with Bourne, in order to provide transmitting the large file of video and delivery an efficient data compressed.

Regarding claims 12 and 14, Kelton teaches the results of the analysis by the reception status analyzing means is an error rate or a change rate of the error rate measured during a fixed period (see page 3, sections [0030]). In this case, the error rate or a change rate is measured in the fixed period when the data rate is varied from 6 Mbps to 54 Mbps at a fixed time period.

Regarding claim 19, Kelton teaches characterized in that at least one of the receiver and transmitter is a communication apparatus connected to AV equipment by inter-equipment communication (see fig. 1 and 2, the VCR or DVD is AV equipment, page 2, section [0023]).

#### ***Allowable Subject Matter***

6. Claims 3, 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Reasons for allowance***

7. The following is an examiner's statement of reasons for allowance:

Regarding dependent claim 3 and 11, Bourne teaches a camera N starts a timer when it receives the signal from the system control that it has permission to start transmitting. When the timer reaches p seconds, camera N stops encoding, and freezes the last reconstructed picture in its frame store (see page 3, sections [0043-0044]). However, Kelton or Bourne alone or in combination with other prior art of record, fail to disclose the channel switching comprises a timer that counts a channel switching time to set a power saving mode when a predetermined time has been clocked, as specified in independent claims 3 and 11.

***Conclusion***

**8. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

**9.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.



Application/Control Number:  
10/553,203  
Art Unit: 2618

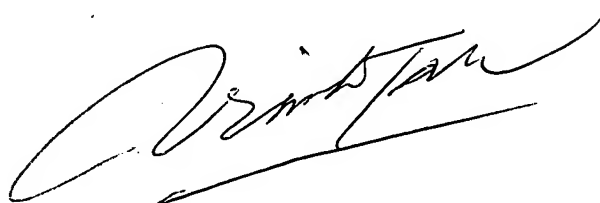
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh  
Division 2618  
December 30, 2007

**PATENT EXAMINER**  
**TRINH, TAN**

A handwritten signature in black ink, appearing to read 'Tan H. Trinh', is written over the printed name.